IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1605/2007
(Ameen and Ors. Vs. State of Rajasthan)

Date of Order : 09/10/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Abdul Aziz Khan for the petitioners.

BY THE COURT:-

Heard learned counsel for the petitioners. Perused the orders impugned passed by the courts below.

This criminal misc. petition under Section 482 Cr.P.C. is directed against the order dated 21.6.2007 passed by Additional Sessions Judge (Fast Track) Nagaur Camp Merta (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioners against the order dated 09.6.2006 passed by Judicial Magistrate, Merta (for short 'the trial court' hereinafter) taking cognizance of the offences under

Sections 447 and 323 IPC, was dismissed.

From the perusal of the orders impugned, it appears that injured Phoolbano, her husband and independent witness Vaheed categorically made a statement that the present petitioners committed the criminal trespass, caused injuries to injured Phoolbano and Vaheed is the witness who intervened. Thus, from the statements of the witnesses recorded by the police under Section 161 Cr.P.C., prima-facie offences under Sections 447 and 323 IPC are made out and therefore, in my view, the trial court was justified in taking cognizance of the offences noticed above and issuing process against the petitioners vide order dated 9.6.2006. On a revision, the revisional court did not find any error in the order impugned dated 9.6.2006 and by a well reasoned and detailed order dismissed the revision petition.

The petitioners have already availed one revision as envisaged under Section 397 Cr.P.C. and in the garb of a petition under Section 482 Cr.P.C. seek to avail second revision which is otherwise barred by Section 397 (3) Cr.P.C. Even otherwise, both the courts below have concurrently found that there is ground to proceed against the petitioners for the offences noticed above. In my view, it cannot be said that the orders impugned would result in serious miscarriage of justice or abuse of process of any Court.

No case for interference in the inherent jurisdiction of this Court under Section 482 Cr.P.C. is made out. The criminal misc. petition is therefore, dismissed.

(H.R.PANWAR),J.

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S.B.Cr. Stay Petition No.1115/2007
In
S.B.CRIMINAL MISC. PETITION NO. 1605/07

Date of Order : 09/10/2007

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Abdul Aziz Khan for the petitioners.

Since the criminal misc. petition itself has been dismissed, the stay petition also stands dismissed.

(H.R.PANWAR),J.

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